

Remarks/Arguments

This preliminary Amendment is submitted with an accompanying Request for Continued Examination of this Application in reply to the Final Office Action, dated October 29, 2003. Because this Amendment is filed within the allotted shortened statutory period of 3 months, no extension of time is required under 37 CFR 1.136(a).

The first sentence of the specification was amended to claim priority based on the provisional application in conformance with 37 CFR 1.78(a). The priority claim is consistent with the filing receipt mailed October 2, 2001, the declaration and the Statement of Priority Claimed, dated August 21, 2001.

Claims 1-3, 5, 6, 13, 15-18, and 53-64 are pending in the application. Claims 4, 7-12, 14, 19-52 are canceled.

Claims 1-52 were rejected under 35 U.S.C. 102(e) as being anticipated by Ell et al. (US 2003/0036852). The Applicant respectfully traverses the rejection for the following reasons.

Ell discloses "a system and method for creating crop input requirement maps for site-specific farming." (Abstract.) In Ell, "the profit analysis calculator 326 compares a variable-rate application of agricultural products with a flat-rate application for a targeted field." (Col. 12, paragraph 174.) Ell bases its profit analysis on the targeted site-specific applications of fertilizer to increase yields in nutrient-limited areas or to save fertilizer without materially reducing yields in high quality soil areas. (Col. 12, paragraph 174.) However, nothing in Ell teaches or suggests using third-party financial data (which is external to the farm site) in an objective function for profit maximization to generate or determine a preferential custom farm plan.

Ell lacks the maximization of an objective function bounded by resource constraints to generate a corresponding custom farm plan with a corresponding desired economic performance. Ell merely considers the impact of variable-rate application of agricultural products on yield, without taking into account third-party financial data or other input information pertaining to a farm as claimed in claim 1. Claim 1 now recites "maximizing the objective function to generate a corresponding first custom farm management plan based on said input information and said third-party financial information, the objective function indicative of a corresponding economic performance of the farm for display or provision to said user." Accordingly,

of the rejection of claim 1 based on Ell.

Claims 2-3, 5, 6, 13, 15-18, and 53-58 are patentable for at least similar reasons to claim 1 because claims 2-3, 5, 6, 13, 15-18, and 53-58 depend upon claim 1. Therefore, Applicant respectfully requests allowance of claims 1, 2-3, 5, 6, 13, 15-18, and 53-58.

Further, new claim 59 calls for "a fourth module for maximizing the objective function to generate a corresponding first custom farm management plan based on said input information and said third-party financial information." The foregoing limitation of claim 59 generally tracks the new language of claim 59 such that new claims 59 is patentable for at least similar reasons to claim 1.

Claims 60-64 depend on claim 59 and are patentable for at least the same reasons as claim 59.

In conclusion, it is believed that this application is in condition for allowance, and such allowance of all pending claims is respectfully requested.

Any fees or charges due as a result of filing of the present paper may be charged against Deposit Account 04-0525. Two duplicates of this page are enclosed.

Respectfully,

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